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ABSTRACT

The literature presented in this annotated bibliography includes recent writings on professional negotiations in higher education found in text material and periodical literature. The references are presented in four sections: professional negotiations in general, the role of the administrator in professional negotiations, unions and professional associations, and strikes and sanctions. (AL)

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COLLECTIVE BARGAINING IN HIGHER EDUCATION

by
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and
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A Selected, Annotated Bibliography

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Foreword

Recent activities in a number of states related to collective bargaining have resulted in an increasing number of articles dealing with the issues of bargaining in institutions of Higher Education. Whereas it is admitted that most administrative faculty have had little or no direct experience with "across the table" techniques and procedures, teaching faculty have often found themselves involved in procedures for which they were also ill-prepared. All groups need to know what they are doing. Board members, presidents, deans, department heads, and teaching faculty -- each of these positions have special roles to play in the negotiation activities. The profession must learn them all.

Bennett Hudson served as the first teaching faculty member to be elected to the office of president in the Florida Association of Public Junior Colleges (now called the Florida Association of Community Colleges). Under his leadership the organization grew from a narrowly conceived organization which served the purposes of communications between and among presidents to a much more broadly conceived and representative organization. His term was served with distinction and provided a basis for continued growth. Mr. Hudson is currently working on his Doctoral Degree as a Fellow at the University of Florida. He is on leave from Manatee Junior College in Bradenton, Florida. Few people are better prepared to examine collective bargaining from a total point of view.

This bibliography has been prepared as a part of the series of services which the partnership universities (University of Florida and Florida State University) provide for State Directors of Community Colleges. There is already some discussion of the need to negotiate at a state level since many states now provide a state agency for community colleges. Such an agency actually serves as the operating board in more than a dozen states and, therefore, would in fact become a part of negotiations if such were to be required in those states. These references included herein have, therefore, been selected with that fact in mind.

At a time when there will be much more attention given to negotiations, we would suggest that the reader's reactions and emendations will be welcomed. In summary, however, the crystal ball we have been using suggests that:

1. Collective Bargaining between teaching faculty and Boards of Trustees will continue to increase between now and 1980.
2. There is need for experienced and capable leadership to represent both sides of the bargaining table. Without these the students will become the major loser of any negotiation.
3. Emphasis upon "accountability" when applied incorrectly will result in defensiveness and perhaps even protective "self interest" on the part of faculties. This is a current and ever present danger.
4. State support for community colleges (which is currently increasing with great rapidity) will lead to an increased tendency to think of state level bargaining activities. Local boards can be superceded if this were to happen.

5. Experience gained in elementary and secondary school districts is a valuable background for higher education. The assumption that these experiences will parallel bargaining in higher education is questionable however and such an assumption should not be assumed.

It is our hope that these annotations will be valuable to all who use them. Let us know.

James L. Wattenbarger, Director
Institute of Higher Education

COLLECTIVE BARGAINING IN HIGHER EDUCATION

A Selected, Annotated Bibliography

Text materials and periodical literature on collective bargaining in higher education, relatively scarce as recently as two years ago, have begun to appear, particularly in the journals, at a steadily increasing pace in recent months. Indeed, in the past year it has been unusual to find an issue of a journal concerned with higher education that has not contained some reference to collective bargaining activities. The past six years have witnessed the emergence of a substantial degree of collective action on the part of faculties of higher education, particularly in two-year colleges, as these faculties attempt to utilize their collective identities to resolve differences of interest with their governing boards and to involve themselves in institutional governance.

The roles of governing boards, administrators, faculties, and students, and the relationships between these groups may be clarified or redefined in new and explicit ways. The morality, legality and efficacy of strikes, partial work stoppages, and various types of sanctions are no longer topics for idle intellectual speculation. Professional educators must now come to grips with these and other very real issues that manifest themselves when parties negotiate.

The bibliography that follows surveys recent writings in professional negotiations in higher education. The experiences reported and the thoughts set out by the authors represent a variety of perspectives

on the many dimensions of collective bargaining. The bibliography has been briefly annotated to provide some indication of the focus and scope of the writing. A very few items have been included which, although not set in the context of higher education, seemed pertinent and useful.

SELECTED BIBLIOGRAPHY

Professional Negotiations in General

American Association for Higher Education. Faculty Participation in Academic Governance. National Education Association, 1967.

Of particular interest in this task force report are sections on the concurrent functioning of faculty senates and external bargaining agencies. The entire report is worthwhile reading.

Andes, John, and Harold Goodwin. "Emerging Trends in Higher Education Bargaining Agreements." Unpublished paper (mimeographed).

This paper outlines current trends in organizational affiliation, bargaining unit composition, and contract content relative to negotiations in higher education.

Andree, Robert G. Collective Negotiations. Lexington, Mass.: D. C. Heath & Co., 1970.

The author provides excellent suggestions concerning attitudes and personal factors that are useful at the bargaining table. A chapter on no-crisis bargaining is noteworthy.

Angell, George W. "Collective Negotiations in Upstate New York." Junior College Journal, vol. 42, October, 1971, pp. 9-11.

This article examines the experiences of 21 New York junior colleges entering into professional negotiations for the first time. Observations of the participants as well as valuable suggestions for neophyte negotiators are given.

Belcher, A. Lee. "The NLRB Ruling: How It Affects Campus Administration." College and University Business, vol. 49, August, 1970, pp. 42-45.

Mr. Belcher explains the fair labor practices stipulated by the NLRB Act of 1970 as they apply to both labor and management.

Boyd, William B. "Collective Bargaining in Academe: Causes and Consequences." Liberal Education, vol. LVII, October, 1971, pp. 306-318.

This analysis provides a quite comprehensive survey of causes, consequences, and some possible solutions relevant to collective bargaining in higher education and would be a good "first reading" for anyone interested in pursuing this topic.

Bucklew, Neil S. "Collective Bargaining in Higher Education: Its Fiscal Implications." Liberal Education, vol. LVII, May, 1971, pp. 255-260.

This is a most interesting exploration of such important fiscal aspects of the negotiations process as direct and indirect cost to the institution for structural requirements for collective bargaining (personnel costs, legal costs, information system costs, etc.), cost analysis of negotiation proposals and agreements, and effects on institutional planning. The article is well written and provides insight into a segment of collective bargaining frequently ignored by other writers.

Carlton, Patrick W., and Harold I. Goodwin. The Collective Dilemma: Negotiations in Education. Worthington, Ohio: C. A. Jones Publishing Co., 1969.

Legislation, unionization, and negotiations in higher education are treated in special sections of this excellent publication, a good, comprehensive introductory text.

"Collective Bargaining with the Faculty." College Management, vol. 5, August, 1970, pp. 16-17.

Some commentary is provided by the parties to the City University of New York negotiation. It was felt at the time of the article that contractual faculty agreements had neither inhibited flexibility nor undermined academic freedom. Some attention is given to the problem of quantifying certain components of the professorial job (load in hours and number of students, guidance responsibilities, committee activities, course development, etc.). However, no solutions are offered.

Dashiell, Dick. "Teachers Revolt in Michigan." Phi Delta Kappan, vol. XLIX, September, 1967, pp. 20-26.

The author's vivid and detailed account of the difficult and protracted series of events in the Michigan education system in 1966-1967 provides an insightful analysis of factors that can lead to a breakdown of the negotiations process.

Day, James F. "The Professor and Collective Negotiations." School and Society, vol. 95, April 1, 1967, pp. 226-229.

Although a few of the topics considered are dated and no longer applicable, this article presents a good, brief overview of the collective bargaining situation in higher education as it was in its emerging state in 1967.

Elam, S. M., et al. Readings on Collective Negotiations in Education. Chicago: Rand McNally, 1967.

The orientation of this book is primarily toward the K-12 program but many of the principles, strategies, and concepts cited are applicable to higher education.

Ferguson, Tracy H. "Collective Bargaining in Universities and Colleges." Labor Law Journal, vol. 19, December, 1968, pp. 778-804.

This extensively documented article includes comments on state and federal law applicable (December, 1968) to collective bargaining in higher education and surveys the organizational efforts and attitudes of the several pertinent unions and professional organizations. It is of interest due to its legalistic perspective.

Florida House of Representatives. Collective Bargaining in Public Employment. (A study report of the Committee on Labor and Industry) Tallahassee, Florida, September, 1970.

This report is included as an illustration of one state's attempts to come to grips with the problem of collective bargaining by public employees. Of interest are the historical data provided, position statements by several individuals and organizations, and the findings and recommendations of the committee.

Frankie, Richard J., and Ray A. Howe. "Faculty Power in the Community Colleges." Theory Into Practice, vol. VII, April, 1968, pp. 83-88.

The authors reject the notion of collective bargaining at the junior college level on the assumption that equivalent opportunities for positive outcomes are available through existing campus mechanisms.

Gillis, John W. "Academic Collective Bargaining." Liberal Education, vol. LVI, December, 1970, pp. 594-604.

This article contains a brief commentary on collective bargaining in higher education and a short, selected annotated bibliography.

Gilroy, T. P., et al. Educator's Guide to Collective Negotiations. Columbus, Ohio: Charles Merrill Publishing Co., 1969.

This small volume furnishes a greatly simplified and abbreviated overview of professional negotiations and the related terminology. As such it might be useful to persons wishing to learn the basic rudiments of the negotiations process without getting too involved in detail.

Hanley, Dexter L. "Issues and Models for Collective Bargaining in Higher Education." Liberal Education, vol. LVII, March, 1971, pp. 5-14.

While opposing unionism, Dr. Hanley cites many advantages of negotiation and advocates the use of a professional negotiating team.

Hayward, William D. "Original Proposals Offer More Items for Succeeding Generations of Bargaining Sessions." College Management, vol. 5, October, 1970, pp. 28ff.

Negotiating strategies and commentary on nine specific problems are given by an experienced negotiator at the higher education level.

Howe, Ray A. "The Bloody Business of Bargaining." College and University Business, vol. 48, March, 1970, pp. 63-67.

This is an excellent presentation and discussion of the components of the collective bargaining process, rules, strategies, and behavioral expectations. A brief inset describing desirable characteristics of the negotiator is worth noting.

Jacobson, Sol. "Faculty Collective Bargaining at the City University of New York." School and Society, vol. 99, October, 1971, pp. 346-349.

Professor Jacobson provides an excellent historical survey of professorial collective activities at CUNY prior to the enactment, in 1967, of the Taylor Law and describes the subsequent contract negotiations.

Kanzler, William H. "Why Shouldn't Professors Organize?" Michigan Education Journal, March 1, 1969.

The author provides arguments in favor of higher education faculties participating in collective negotiations. He chides professors for failing, or refusing, to recognize that they are, in fact, employees of their governing boards.

Kennelly, Jean R. "Collective Bargaining in the Community College." Educational Record, vol. 52, Winter, 1971, pp. 87-92.

The article suggests that because an organization borrows a union technique it does not follow that the organization becomes a union. The author attempts to expand the connotation of collective bargaining as a term and, in doing so, to divest it of its more negative aspects.

Larsen, C. M. "'Collective Bargaining' Issues in the California State Colleges." AAUP Bulletin, vol. 53, June, 1967, pp. 217-227.

The major bargaining issues as seen by California state college faculties in 1967 are succinctly presented. Given also are some historical data, the AAUP response to these issues in terms of its posture on collective bargaining, and some pertinent questions and answers.

Levine, Marvin J. "Higher Education and Collective Action." Journal of Higher Education, vol. XXXVIII, May, 1967, pp. 263-268.

Dr. Levine defends the thesis that it is not feasible for college professors to adopt the traditional union approach to protect their professional and economic interests.

Livingston, John C. "Collective Bargaining and Professionalism in Higher Education." Educational Record, vol. 48, Winter, 1967, pp. 79-88.

Professor Livingston sees collective bargaining in higher education as symptomatic of a ubiquitous breakdown of legitimate authority that characterizes political processes generally in American society. In this setting, he examines the arguments for collective bargaining in higher education, whether established through usurpation or successful appeal to legitimacy, pointing out that "many faculty unionists see it as the best way of recovering and revitalizing professional ideals which have been corrupted, distorted, and enfeebled."

_____. "Collective Negotiations." Handbook of College and University Administration, vol. I. Edited by Asa S. Knowles. New York: McGraw-Hill Book Co., 1970.

This section outlines the factors which contribute to faculty militancy and presents an excellent summation of the many aspects and implications of collective bargaining.

Lieberman, Myron. "Professors, Unite." Harpers, October, 1971, pp. 61ff.

Myron Lieberman sees the unionization of college and university faculties as one of the most important developments in higher education in the next decade, and discusses what he sees as some of the probable outcomes of such a trend. His prediction of student unionization in the near future is provocative.

McHugh, William F. "Collective Negotiations in Public Higher Education." College and University Business, vol. 47, December, 1969, pp. 41ff.

New York's institutions of higher education experienced considerable collective bargaining activity subsequent to the 1967 enactment of the New York Public Employes' Fair Employment Act (Taylor Law). Many important questions have emerged. What will evolve as management's prerogatives? What will be the character of the relationship of the educational establishment to the fiscal authorities during the negotiating sessions? To what extent will students seek involvement in the negotiation process as to matters directly or indirectly affecting them?

_____. "National Labor Relations Board Goes to College." College and University Business, vol. 49, July, 1970, p. 44.

This article explains the rationale behind the National Labor Relations Board asserting jurisdiction over non-profit colleges and universities on June 12, 1970, "to ensure the orderly, effective, and uniform application of national labor policy."

Marmion, Harry A., et al. Employment Relations in Higher Education. Bloomington, Ind.: Phi Delta Kappa, 1969.

This compilation of papers and related discussions is devoted to exploring questions of scope, pace, and direction of collective negotiations in higher education. It also assays the strengths and weaknesses of the various old and new organizational forms for conflict resolution at the collegiate level.

Miller, W. C. and D. N. Newbury. Teacher Negotiations -- A Guide for Bargaining Teams. New York: Parker Publishing, 1970.

With the possible exceptions of chapters 4, 5, and 6, which consider negotiable items which are generally peculiar to the elementary or secondary situation, this text would seem to be particularly valuable background reading for the development of bargaining strategies.

Munnelly, Robert J. "The Task After Negotiations." Phi Delta Kappan, vol. LII, January, 1971, pp. 275-277.

The author warns that a negotiated contract signals just the beginning of a new relationship between the parties to the contract and he describes several factors involved in making the new document work.

Paton, J. M. "Trade Union or Professsional Association -- The Canadian Experience." Phi Delta Kappan, vol. XLIX, June, 1968, pp. 563-566.

Mr. Paton's survey of the experience of Canadian educators' automatic membership in a single professional organization and its attendant successes and problems compels us to take a careful look at the current NEA-AFT rivalry.

Polishook, Sheila S. "Collective Bargaining and the City University of New York." Journal of Higher Education, vol. XLI, May, 1970, pp. 377-386.

This analysis of the issues and reasons for CUNY faculty pressing for the establishment of collective bargaining is especially interesting in its description of the administration and faculty's perceptions of themselves and each other in terms of role expectations, objectives, and relationships in the bargaining process.

Shils, E. B., and C. T. Whittier. Teachers, Administrators, and Collective Bargaining. New York: Thomas Crowell Co., 1968.

This excellent work presents an extremely comprehensive historical survey of union and strike activities to 1968. It also discusses state level legislation and contrasts the behavior, philosophy, and strategy of NEA and AFT.

Swenson, Norman G., and Leon Novar. "Chicago City College Teachers Strike." Junior College Journal, vol. 37, March, 1967, pp. 19-22.

The causes of the Chicago City College Teachers strike and its implications are analyzed by two union representatives.

Taylor, George W. "The Public Interest in Collective Negotiations in Education." Phi Delta Kappan, vol. XLVIII, September, 1966, pp. 16-22.

Mr. Taylor's position is that collective negotiations can well serve the public interest. Consideration is also given to congruency of public and faculty interest, as well as to a rationale for work stoppage.

Walton, Richard E., and Robert B. McKersie. A Behavioral Theory of Labor Negotiations. New York: McGraw-Hill Book Co., 1965.

Chapters 2-5 provide interesting contrasts between distributive (or fixed sum) bargaining and integrative bargaining models. For a discussion of the educational implications and applications of these models see the article by Richard Wynn cited in this bibliography.

Wildman, Wesley A., and Charles R. Perry. "Group Conflict and School Organization." Phi Delta Kappan, vol. XLVII, January, 1966, pp. 244-251.

Trends toward institutionalized conflict in education and the resultant problems are discussed in this particularly perceptive article.

Williams, Richard C. "An Academic Alternative to Collective Negotiations." Phi Delta Kappan, vol. XLIX, June, 1968, pp. 571-574.

Mr. Williams expresses surprise that both school management and teachers seem to have accepted the inevitability of the industrial relations approach to achieve what they consider their legitimate ends and proposes an "academic" alternative adopted from an earlier age.

Wynn, Richard. "Collective Gaining." Phi Delta Kappan, vol. LI, April, 1970, pp. 415-419.

The author contrasts two models for collective bargaining, distributive bargaining and integrative bargaining, and proposes in the latter an interesting humanistic approach to collective negotiations.

The Role of the Administrator in Professional Negotiations

Gianopulos, John W. "The College Administrator and Collective Negotiations." Junior College Journal, vol. 41, August/September, 1970, pp. 26-29.

Mr. Gianopulos analyzes the roles played by college administrators and advances his own contention that the college administrator should remain an independent third party.

McConnell, John, and the editors of College Management. "How to Negotiate with a Professor's Union." College Management, vol. 2, January, 1967, pp. 24-31.

This interview with Dr. John McConnell (President of the University of New Hampshire and former Dean of the School of Industrial and Labor Relations at Cornell University) provides some extremely practical guidelines for administrative behavior in collective bargaining.

McIntosh, Carl W. "The Unionization of College and University Teachers." Journal of Higher Education, vol. XXXVI, October, 1965, pp. 373-378.

The posture that California state-college presidents might adopt in support of attempts to unionize the state-college faculties is suggested in this article.

Wildman, Wesley A. "Implications of Teacher Bargaining for School Administration." Phi Delta Kappan, vol. XLVI, December, 1964, pp. 152-156.

The author, always articulate and cogent, presents an excellent overview of bargaining dynamics and their implications for school administrators.

Unions and Professional Associations

Brown, Ralph S. "Collective Bargaining for the Faculty-I." Liberal Education, vol. LVI, March, 1970, pp. 75-78.

This first of two related articles sets out the AAUP position on collective bargaining (modified since 1970) and a suggested presidential role is given.

Davis, Bertram H. "Unions and Higher Education: Another View." Educational Record, vol. XLIX, Spring, 1968, pp. 139-144.

Dr. Davis, an executive officer of AAUP, takes exception to an article in an earlier issue of the Educational Record, in which he claims that Dr. Harry Marmion has "misunderstood" the role and accomplishments of AAUP. He also calls for greater reliance on collegial problem solving.

Davis, Bertram H., et al. "Four Associations Look to the Junior College." Junior College Journal, vol. 39, December, 1968/January, 1969, pp. 10-17.

Representatives of NEA, AFT, AAUP, and AAHE discuss their respective organization's potential for promoting the cause of the junior college and its faculty.

Kugler, Israel. "The Union Speaks for Itself." Educational Record, vol. XLIX, Fall, 1968, pp. 414-418.

Dr. Kugler, representing AFT, questions AAUP's potential in the current unionization trend and interprets AFT's position.

_____. "Collective Bargaining for the Faculty-II." Liberal Education, vol. LVI, March, 1970, pp. 78-85.

Dr. Kugler perceives the professor as an employed professional (in contrast with the doctor or lawyer, who is self employed), envisons the end of "educational elitism," assesses the academic power structure, and asserts the relevance of AFT.

Marmion, Harry A. "Unions and Higher Education." Educational Record, vol. XLIX, Winter, 1968, pp. 41-48.

Dr. Marmion's analysis of the problem of unions in higher education centers on current organizational weaknesses in leadership, problems of educational finance, and faculty participation in policy making.

Parker, Jack F. "Let's Abolish the NEA." Phi Delta Kappan, Vol. XLIX, June, 1968, pp. 567-571.

Mr. Parker submits that militancy and collective negotiations have rendered the NEA anachronous and proposes a realignment of NEA affiliates and departments as a possible "cure" for the situation.

"Policy on Representation of Economic and Professional Interests." AAUP Bulletin, vol. 55, Winter, 1969, pp. 489-491.

This AAUP approved policy statement on collective bargaining (as of 1969) is of historical interest when contrasted with AAUP's recent expressions of willingness to assert themselves somewhat more aggressively in the collective bargaining arena.

Stinnett, T. M. Turmoil in Teaching. New York: Macmillan Co., 1968.

This interesting history traces the organizational struggle for America's teachers. The book is strongly pro-NEA, but includes many cogent reasons for proceeding with care to affiliate with organized labor.

"Unions Woo the College Faculties." Business Week, May 1, 1971, pp. 69-71.

The history and reasons behind the union's attempts to organize college faculties are traced in this education feature.

Strikes and Sanctions

"Faculty Participation in Strikes." AAUP Bulletin, vol. 54, Summer, 1968, pp. 155-159.

This report of a special joint committee on representation, bargaining, and sanctions includes a proposed "Statement on Faculty Participation in Strikes" which was still under consideration by AAUP at the time of the article.

Kadish, Sanford H. "The Strike and the Professoriate." AAUP Bulletin, vol. 54, June, 1968, pp. 160-168.

Although not making a case against all strikes in all circumstances, the author sees the academic strike as a threat to commitment to and realization of the university professor's ideals of professionalism. Dr. Kadish discusses five professional values imperiled by the economic, self-interest strike and analyzes the effects of academic-interest and political-interest strikes.

Lieberman, Myron. "Teacher Strikes: Acceptable Strategy?" Phi Delta Kappan, vol. XLVI, January, 1965, pp. 237-240.

Dr. Lieberman provides further analysis of strike tactics by public employees and discusses such topics as "professionalism" of strikes, anti-strike legislation, and procedural restrictions on teacher's strikes.

Rich, John M. "Civil Disobedience and Teacher Strikes." Phi Delta Kappan, vol. XLV, December, 1963, pp. 151-154.

The legal and moral injunctions against teacher strikes are scrutinized in this philosophic view.